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Attorneys for Plaintiff
ASHLEY WILSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|--|---|--|
| ASHLEY WILSON, as an individual and on |) | Case No.: C09-03630 SI |
| behalf of all others similarly situated, |) | |
| |) | STIPULATION AND [PROPOSED] |
| Plaintiff, |) | ORDER TO CONTINUE HEARING |
| |) | DATE FOR MOTION FOR |
| v. |) | PRELIMINARY APPROVAL OF CLASS |
| |) | SETTLEMENT |
| KIEWIT PACIFIC CO., a corporation; |) | |
| |) | |
| Defendant. |) | |
| |) | |

Pursuant to Civil Local Rules 7-12 and 16-2, it is hereby stipulated, by and between
ASHLEY WILSON ("Plaintiff") and KIEWIT PACIFIC CO. ("Defendant") (collectively the
"Parties"), through their respective undersigned counsel, as follows:

1 WHEREAS, on May 17, 2011, the Parties participated in a settlement conference with
2 the Honorable Judge James Larson;

3 WHEREAS, the Parties provisionally agreed on settlement terms for Plaintiff's
4 individual and class action claims at the settlement conference;

5 WHEREAS, on July 6, 2011, the Parties filed a Stipulation and [Proposed] Order to
6 Vacate Order Dismissing Case and Setting Hearing Date on Motion for Preliminary Approval,
7 and requested a hearing date on the Motion for Preliminary Approval of Class Action Settlement
8 ("Motion") on August 26, 2011, at 9:00 a.m.;

9 WHEREAS, the Court entered an Order Vacating the Order Dismissing the Case and
10 setting the hearing date on the Parties' Motion for August 26, 2011, at 9:00 a.m.;

11 WHEREAS, the Court upon request of the Parties the Court continued the hearing date
12 on Motion from August 26, 2011, at 9:00 a.m. to October 14, 2011, at 9:00 a.m. after the Parties
13 advised the Court of their efforts to gather data and finalize the Settlement Agreement;

14 WHEREAS, the Parties are still in the process of drafting a long-form class action
15 Settlement Agreement and have continued their efforts to reach an agreed-upon Settlement
16 Agreement and have narrowed most of the issues that were outstanding and anticipate that this
17 will be their last request for additional time to finalize the Settlement Agreement;

18 WHEREAS, the Parties require additional time to review the class data, negotiate the
19 class settlement terms, and hone the long-form class action Settlement Agreement;

20 WHEREAS, the Parties have met and conferred and due to the schedules of counsel,
21 including a previously scheduled trial, the Parties do not anticipate that they will be able to file
22 the Motion until October 7, 2011.

23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
24 through their respective undersigned counsel, that the Motion for Preliminary Approval of Class
25 Action Settlement will be filed on or before October 7, 2011.

26 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
27 through their respective undersigned counsel, that the hearing date on the Motion for Preliminary
28

1 Approval of Class Action Settlement be scheduled for November 11, 2011, or as soon thereafter
2 as the Court is available.

3 IT IS SO STIPULATED.

4 DATED: September 9, 2011

SEYFARTH SHAW LLP

6 By: /s/
Francis J. Ortman III
Ari Hersher

8 Attorneys for Defendant
KIEWIT PACIFIC CO.

9 DATED: September 9, 2011

LAW OFFICES OF PETER M. HART

11 By: /s/
Peter M. Hart

13 Attorney for Plaintiff
ASHLEY WILSON

[PROPOSED] ORDER

The Parties having so stipulated, and GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED that:

1. The October 14, 2011 hearing date on the Motion for Preliminary Approval of Class Action Settlement is hereby vacated;
2. The hearing on the Motion for Preliminary Approval of Class Action Settlement is hereby set for November __¹⁸, 2011, or _____, 2011, at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 9/13/11



The Honorable Susan Illston
Judge of the United States District Court